

[Act 1997 No 105]



New South Wales

# Luna Park Site Amendment Bill 1997

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*

### Overview of Bill

The object of this Bill is to amend the *Luna Park Site Act 1990* to provide for a wider range of uses for the Luna Park site while preserving unrestricted public access to the boardwalk/foreshore area.

The Bill provides for a range of entertainment uses (such as restaurants, function rooms, markets and theatres) to be authorised uses for the Luna Park site, except the boardwalk/foreshore area. The Bill further provides for hotels, shops, office accommodation, car parking and other prescribed commercial uses to be additional authorised uses for the cliff top area (fronting Glen and Northcliff Streets).

The Bill also contains provisions:

- (a) to clarify the power of the Luna Park Reserve Trust and a lessee from the Trust to control and restrict access to and within the Luna Park site (at the same time making it clear that access to the boardwalk/foreshore area cannot be restricted except on health and safety grounds), and

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\* Amended in committee—see table at end of volume.

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- (b) to update the description of land that comprises the Luna Park site to take account of recent additions to the site, and to give effect to a prohibition on the erection of permanent structures on one of those new sites, and
- (c) to enact consequential savings and transitional provisions.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides that the proposed Act will commence on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments to the *Luna Park Site Act 1990*.

## Schedule 1 Amendments

**Schedule 1 [1]** inserts a new Part 2A in the *Luna Park Site Act 1990* which provides for an expanded range of uses for the Luna Park site. The new Part contains the following provisions:

- (a) Section 6A defines the boardwalk/foreshore area and the cliff top area by reference to a plan tabled with this Bill. The section provides for a more accurate description of those areas to be prepared within 3 months and published in the Gazette.
- (b) Section 6B provides that restaurants, cafes, functions, exhibitions, conventions, meetings, markets, theatres, and such other entertainment uses as may be prescribed by the regulations are authorised uses for the Luna Park site, except the boardwalk/foreshore area.
- (c) Section 6C provides that hotels, shops, office accommodation, car parking and other commercial uses prescribed by the regulations are authorised uses for the cliff top area (in addition to the entertainment uses authorised under section 6B).
- (d) Section 6D makes it clear that the existing dedication of the Luna Park site for the purposes of public recreation, public amusement and public entertainment does not prevent or otherwise affect the use of the site for the additional authorised uses provided for by sections 6B and 6C and does not prevent the grant of a lease or licence for those uses.

- (e) Section 6E makes special provision for the granting of a lease for the cliff top area for an additional authorised use. The section provides that the plan of management for Luna Park does not prevent the grant of such a lease and does not apply to the cliff top area during the term of the lease.
- (f) Section 6F makes it clear that the operation of the *Environmental Planning and Assessment Act 1979* is not affected by the new Part.
- (g) Section 6G makes it clear that the Luna Park Trust and a lessee from the Trust can control and restrict access to the Luna Park site. The section provides that access control measures must not limit public access to the boardwalk/foreshore area (except on grounds of public health or safety).
- (h) Section 6H makes it clear that the uses authorised by the new Part are additional uses and do not limit the range of uses to which the Park can be put.
- (i) Section 6I provides that the new Part is not to be read down by the statement in section 3 of the object of the Act.

**Schedule 1 [2]** makes a consequential amendment.

**Schedule 1 [3]** requires the plan of management for Luna Park to contain a prohibition on the erection of any permanent structure on a parcel of land that has been added to the Luna Park site.

**Schedule 1 [4]** and **[6]** insert consequential savings and transitional provisions.

**Schedule 1 [5]** updates the description of the Luna Park site to take account of recent additions to the site.